

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EMMA KOE, et al.,

Plaintiffs,

v.

RUSSEL CARLSON, et al.,

Defendants.

CIVIL ACTION NO.

1:23-CV-2904-SEG

ORDER

This case is before the Court for administrative purposes and on its own initiative. On August 20, 2023, the Court entered a preliminary injunction that enjoined Defendants from enforcing portions of S.B. 140. (Doc. 106.) Defendants moved for reconsideration of this order on August 22, 2023, citing the Eleventh Circuit Court of Appeals' order in *Eknes-Tucker v. Governor of Alabama*, 80 F.4th 1205 (11th Cir. 2023), which vacated an order that had preliminarily enjoined a similar Alabama statute. (Doc. 108.) The Court stayed the preliminary injunction in this case on September 5, 2023. (Doc. 119.) The Court also stated that it would hold adjudication of Defendants' motion for reconsideration until "either (1) expiration of the period for seeking rehearing in *Eknes-Tucker*, if no rehearing is sought; or, if rehearing is sought


(2) determination by the Court of Appeals as to whether rehearing will be granted.” (*Id.* at 4.)

A review of the docket in *Eknes-Tucker* reflects that, on November 13, 2023, the Eleventh Circuit granted the plaintiffs in that case leave to file a corrected petition for rehearing en banc. See Case No. 22-11707, *Eknes-Tucker, et al v. Governor of the State of Alabama, et al.*, Doc. 138. To date, no determination on the petition has been issued.

For docket management purposes, the Court STAYS Defendants’ motion for reconsideration until determination by the Eleventh Circuit on the petition for rehearing en banc.¹ The Court likewise STAYS Intervenor Nancy Doe’s motion for preliminary injunction. (Doc. 94.) Plaintiffs are DIRECTED to file a notice with the Court informing it of the Eleventh Circuit’s decision on the petition for rehearing in *Eknes-Tucker* once entered. The Court will then proceed with adjudication of these motions.

¹ “District courts have unquestionable authority to control their own dockets [and] [t]his authority includes broad discretion in deciding how best to manage the cases before them.” *Smith v. Psychiatric Solutions, Inc.*, 750 F.3d 1253, 1262 (11th Cir. 2014) (internal quotations and citations omitted).

SO ORDERED this 5th day of January, 2024.


SARAH E. GERAGHTY
United States District Judge